

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., *et al.*,

Plaintiffs,

VS.

COX ENTERPRISES, INC., *et al.*,

Defendants.

No. 1:14-cv-01589-TWP-DKL

Entry from December 9, 2016 Telephonic Conference

The Court held a telephonic conference in this case on December 9, 2016, in an effort to assist the parties with a discovery dispute. Plaintiffs were represented by Catherine E. Lasky, Kerry A. Murphy, and Kathleen Ann DeLaney. Defendants were represented by David J. Jurkiewicz, Paul D. Vink, and Tracey K. Ledbetter. The parties discussed the discovery requests at issue.

Regarding Requests for Production Nos. 12 and 13, Defendants have provided the information requested; Plaintiff needs to know how the interest rate is calculated. Defendants said that only the base rate fixed and base rate variable were utilized; and the variable rate was set in the contracts. Further explanation can be explained by the Rule 30(b)(6) witness.

As for Request No. 3, Plaintiffs have interest rate schedules for August 2008 and 2010 through 2013, but they requested such schedules beginning in 2005. Defendants said that they have searched their records and no schedule was found for the time period

before August 2008. There were no published rates before August 2008; Plaintiffs will need to refer to individual contracts. Defendants are to state in a supplemental discovery response that there were no published schedules for interest rates before 2008. Defendants thought they had produced an interest-rate schedule for 2009, but they will follow-up, and if they have not produced a schedule for 2009, they will produce it today, if they have one. Plaintiffs indicated that they do not need unredacted fee schedules.

Plaintiffs seek clarification that there are no meeting minutes for financial review meetings. Defendants said that they had a third party conduct an exhaustive search and in-house counsel inquired of specific individuals, and Defendants have produced everything that they found. They are to confirm that they have produced everything responsive to the discovery request in a supplemental discovery response.

Regarding NextGear policies, Request Nos. 6-7, and 26-29, Defendants said that Plaintiffs asked for specific policies and Defendants produced what was requested, redacting irrelevant information. Judge LaRue requested that both redacted and unredacted copies of all the policies be emailed to her for in camera review by close of business today.

So Ordered.

Date: 12/9/2016

A handwritten signature in black ink, reading "Denise K. LaRue". The signature is fluid and cursive, with the first name "Denise" and last name "LaRue" clearly distinguishable.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Electronic Distribution to All Counsel of Record